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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/285,934	04/02/1999	RANDY UBILLOS	004860.P2292	4312

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EXAMINER

NGUYEN, CAO H

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 01/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/285,934

Applicant(s)

Ubillos

Examiner

Cao (Kevin) Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Nov 21, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless—

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Valdez, Jr. (US Patent No. 6,426,778).

Regarding claim 1, Valdez, Jr. discloses displaying an edited time based stream of information of a source media (see Abstract); and transferring said edited time based stream to a sequential storage device using an icon, wherein said icon represents a function to be performed on said sequential storage device (see col. 6, lines 5-40).

Regarding claim 2, Valdez, Jr. discloses editing between said source media and a destination media using a three point edit (see col. 7-8, lines 1-67).

Regarding claim 3, Valdez, Jr. discloses wherein transferring said edited time based stream comprises transferring said edited time based stream to a portion of a window, said window having at least one icon; said icon performing a function on said sequential device by default (see col. 17, lines 39-67 and col. 18, lines 1-64).

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Regarding claim 4, Valdez, Jr. discloses wherein transferring said edited time based stream comprises transferring said edited time based stream to said icon, said icon performing said function on said sequential device (see figures 6A-6C).

Regarding claim 5, Valdez, Jr. discloses wherein transferring said edited time based stream comprises clicking said icon with a cursor control device, said icon performing said function on said sequential device (see col. 19, lines 30-67).

Regarding claim 6, Valdez, Jr. discloses wherein said function is one of an insert edit, an assembly edit and a preview edit (see col. 20, lines 1-64).

Regarding claim 7, Valdez, Jr. discloses black and coding a tape contained in said sequential device (see figures 3A-4).

Regarding claims 8 and 9, Valdez, Jr. discloses using a timecode indicator to position a playhead of said sequential storage device; and using one of a mark in icon and a mark out icon to position a playhead of said sequential storage device (see col. 21, lines 1-67).

As per claims 10-23 are apparatus claims that corresponds to a method claims 1-9, and thus are rejected for the aforementioned reason.

Regarding claim 24, Valdez, Jr. discloses computing device including a first circuitry configured to transfer said edited time based stream to said sequential storage device using said icon (see col. 18, lines 12-64).

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Regarding claim 25, Valdez, Jr. discloses a second circuitry configured to perform a three point editing between said source media and a destination media (see figures 4-8).

Claims 26-30, Valdez, Jr. discloses a second circuitry configured to perform a three point editing between said source media and a destination media; a third circuitry configured to insert edit said edited time based stream to said sequential storage device using said icon; a fourth circuitry configured to assembly edit said edited time based stream to said sequential storage device using said icon; a fifth circuitry configured to preview edit said edited time based stream using said icon (see col. 23-24, lines 1-67).

As per claims 31-39 are method claims that corresponds to apparatus claims 1-9, and thus are rejected for the aforementioned reason.

*Response to Arguments*

3. Applicant's arguments filed on October 10, 1997 have been fully considered but they are not persuasive.

On page 2, first paragraph; Applicant argues that Valdez does not teach "transferring edited time based stream to a sequential storage device using an icon, wherein icon represents a function to be performed on sequential storage device"; however, the limitations as claimed set forth to reply upon "from the user's point of view, the movement and interaction of data may be accomplished simply by connecting and interacting icons on the user's screen. The media editing system provides for the capture of a certain amount and type of data as designed by the

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user or another, such as a video clip or music, and the association of that particular data set with a particular icon representation or symbol. Media editing system may include a number of graphical components for composing the structure of a story. One is called a timeline. In a timeline, icons representing the story's contents are scaled to depict the length of the presentation of the material for that icon and are placed in proximity to other icons to show timing, synchronization and composition relationships between icons (see Valdez, Jr.).

On page 2, second paragraph; Applicant argues that Valdez does not teach "editing between said source media and a destination media using a three-point edit". However, the limitations as claimed set forth to reply upon "The top-level, abstract, class of a composition is referred to as a component, and defines functionality common to all components. For each component created for a composition, memory locations are allocated to store and group together relevant information concerning that component. A component that is a member of a subclass of a component class inherits characteristics of the component class. Information stored as part of each component to be described in more detail below includes: 1) Track Type 2) Player Function Code 3) Edit Rate 4) Parent 5) Subcomponent Identifier 6) Edit Nesting Level 7) Precompute 8) Name 9) Attribute List; and Track type (1) provides an indication of the type of material, or media data, represented by the component, such as video, audio, etc. Player function code (2) indicates an algorithm for displaying material represented by the component. A component may also include edit rate (3) that is a representation of time units used for determining the duration of

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the component. The edit rate differs from the actual sample durations stored in the media data, and may be thought of as a "virtual" sample rate. (see Valdez, Jr.).

On page 3, second paragraph; Applicant argues that Valdez does not teach "Media objects used in a composition may include source material such as video or audio tape, compact disc, computer generated images, and the like. Currently available digital representations of source material are referred to herein as source media objects. Source media objects contain digital data which correspond to original source material, as well as information regarding how media data objects were created, and an identification of the corresponding source material. Thus, a source media object may contain a source content identifier, identifying the original source material.

On pages 4-5 the limitations are previously discussed as above. (see Valdez Jr.)

Accordingly, the claimed invention as represented in the claims do not represent a patentable distinction over the art of record..

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (PTO-892).

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Response***

6. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 308-9051 may be used for formal communications or (703) 305-9724 for informal or draft communications.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. Sixth Floor (Receptionist).



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*Inquires*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (703) 305-3972. The examiner can normally be reached on Monday-Friday from 8:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeza, can be reached on (703) 308-3116. The fax number for this group is (703) 308-6606.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

  
CAO (KEVIN) NGUYEN  
PRIMARY EXAMINER

January 24, 2003

